

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUET F, WONG,

Plaintiff,

vs.

CITI HOME LOANS SERVICING LP;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS,

Defendants.

Case No. 2:11-cv-01428-ECR-GWF

ORDER

Motion to Stay Discovery (#34)

This matter comes before the Court on CitiMortgage, Inc.’s Motion to Stay Discovery (#34), filed on April 26, 2012 and Defendant MERS’ Joinder to Motion to Stay (#35), filed on May 1, 2012. Defendants request the Court stay discovery in this matter pending decision on CitiMortgage’s Motion to Dismiss (#9), which is fully briefed and awaiting ruling by the Court.

DISCUSSION

Courts have broad discretionary power to control discovery. *See e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Previous published decisions in this district have addressed the standard to be applied in deciding whether to stay discovery pending a decision on a potentially dispositive motion. Ordinarily a pending dispositive motion is not “a situation that in and of itself would warrant a stay of discovery.” *See Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 555–6 (D. Nev. 1997) (quoting *Twin City Fire Ins. v. Employers Insurance of Wausau*, 124 F.R.D. 652, 653 (D. Nev. 1989)). Common examples of such situations where a stay is warranted are when jurisdiction, venue, or immunity are preliminary issues. *Id.* Ultimately, ...

1 the party seeking the stay“carries the heavy burden of making a ‘strong showing’ why discovery
2 should be denied.” *Id.* (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975)).

3 Defendant filed its Motion to Dismiss (#9) on October 25, 2011, arguing that Plaintiff failed
4 to state claims upon which relief can be granted and Plaintiff’s claims are untenable under the
5 applicable law. Upon review of the various arguments set forth by CitiMortgage in support of
6 their Motion to Dismiss, without expressing a view one way or the other on the merits of the
7 motion, the Court finds that Defendant has met their burden to show that discovery should be
8 stayed. Because Plaintiff failed to file a response to this motion, the Court will not proceed with a
9 detailed analysis of the likelihood of success of each of Plaintiff’s claims. Pursuant to LR 7-2(d),
10 “failure of an opposing party to file points and authorities in response to any motion shall constitute
11 a consent to the granting of the motion.” The Court therefore will grant Defendant’s motion and
12 stay all discovery pending the disposition of Defendant’s Motion to Dismiss (#9). Accordingly,

13 **IT IS HEREBY ORDERED** that CitiMortgage, Inc’s Motion to Stay Discovery (#34) is
14 **granted**. All discovery will be stayed pending disposition on Defendant’s Motion to Dismiss (#9)

15 DATED this 11th day of May, 2012.

16
17 
18 GEORGE FOLEY, JR.
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28